

REMARKS

These remarks are in response to the Office Action mailed July 31, 2007.

Claim 47 has been canceled without prejudice to Applicants' right to prosecute the canceled subject matter in any continuation, continuation-in-part, divisional or other application. Claim 30 has been amended. The amendment to claim 30 is supported throughout the specification (e.g., page 3, lines 22-26). No new matter is believed to have been introduced by the foregoing amendments.

I. REJECTION UNDER 35 U.S.C. §102

Claims 30, 34-38, 45-46, 49 and 64 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated by Ma (USP 6,872,387). Applicants respectfully traverse this rejection.

Ma does not teach or suggest layered polymer scaffolds, nor a method of generating such a layered polymer scaffold as recited, for example, in Applicants' claim 30. Thus, Ma cannot anticipate Applicants' claimed invention. Accordingly, Applicants respectfully request withdrawal of this rejection.

II. REJECTION UNDER 35 U.S.C. §103

Claims 30, 34-38, 45-46, 49 and 64 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over Ma (USP 6,872,387). Applicants respectfully traverse this rejection.

As discussed above, Ma does not teach or suggest layered polymer scaffolds, nor a method of generating such a layered polymer scaffold as recited, for example, in Applicants' claim 30. Thus, Ma cannot render Applicants' claimed invention obvious as the reference fails to teach or suggest each and every element of Applicants' claimed invention. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 30, 34-38, 45-46-49 and 64 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over Ma (USP 6,872,387) in view of Chu *et al.* (USP 6,790,455). Applicants respectfully traverse this rejection.

Ma was addressed above. Chu *et al.* is combined with Ma to overcome the deficiencies of Ma.

Chu *et al.*, however, is not prior art to Applicants' invention and thus is unavailable as prior art under §103. Chu *et al.* has an effective filing date of September 14, 2001, more than 1 month after Applicants' prior date of July 3, 2001. Accordingly, Applicants respectfully request withdrawal of this rejection.

Claims 31, 50-53 and 60-63 stand rejected under 35 U.S.C. §103 as allegedly unpatentable over Chu *et al.* (USP 6,790,455). Applicants respectfully traverse this rejection.

Chu *et al.* is not available as prior art to Applicants' invention as described above. Accordingly, Applicants respectfully request withdrawal of this rejection.

For at least the foregoing reasons, Applicants respectfully submit that the Office has not set forth a prima facie case of obviousness. Accordingly, Applicants respectfully request withdrawal of this rejection.

Applicants believe the foregoing comments and amendments overcome the rejections presented in the Office Action. Accordingly, Applicants respectfully request withdrawal of the rejections.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY LLP

Date: September 28, 2007

By: Joseph R. Baker, Jr.
Joseph R. Baker, Jr.
Registration No. 40,900

P.O. Box 1404
Alexandria, VA 22313-1404
(858) 509 7300